IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 23185 of 2006(I)

AGAINST THE ORDER DATED 31/05/06 IN EP 67/02 IN OS.93/1999 of SUB COURT, THIRUVALLA

.....

PETITIONER:

RADHA PURUSHOTHAMAN,
W/O.PURUSHOTHAMAN, AGED 55 YEARS,
VRINDAVAN, THRIKKANNAPURAM,
POOVATHOOR P.O., KOIPURAM, THIRUVALLA.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS:

---

1. M/S.ST.GEORGE INVESTMENTS & KURIES,
EDATHUA, REPRESENTED BY ITS MANAGING PARTNER,
CHERIAN GEORGE, KAVILE VEETTIL, PACHA,
EDATHUA.

2. CHERIAN GEORGE, KAVILEVETTIL,
PACHA, EDATHUA.

3. ANU SAJI, W/O.SAJI,
KAVILEVEETTIL, PACHA, EDATHUA.

4. SUMI GEORGE,
KAVILEVEETTIL, PACHA, EDATHUA.

BY ADV. SRI.GEORGE KARITHANAM VARGHESE
SRI.V.J.JOHN
SRI.JOSE KURIAKOSE (VILANGATTIL)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.23185/06

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF ORDER DT.4.2.03 IN EP.66/02 IN OP.149/99 OF CONSUMER DISPUTES REDRESSAL FORUM, ALAPPUZHA.

EXT.P2 – TRUE COPY OF STATEMENT DT.12.12.05 FILED BY JUDGMENT DEBTORS

EXT.P3 – TRUE COPY OF DO. DT.15.3.05 FILED BY RESPONDENTS.

EXT.P4 – TRUE COPY OF STATEMENT DT.27.2.06 FILED BY RESPONDENTS

EXT.P5 – TRUE COPY OF DO. FILED BY JUDGMENT DEBTORS DT.17.3.06

EXT.P6 – TRUE COPY OF ORDER DT.31.5.06 OF EXECUTION COURT.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

.....

W.P.(C)No.23185 OF 2006

.....

DATED THIS THE 29TH JUNE, 2007

J U D G M E N T

In this Writ Petition Ext.P6 order passed by the execution court finding that the decree-holders-respondents are entitled to recover a sum of Rs.3,44,093/- from the judgment-debtors is under challenge by the 2nd judgment-debtor.

2. While admitting this Writ Petition, this Court granted stay only on condition that a sum of Rs.50,000/- is paid to the decree-holders within two months from 29.8.2006. On a complaint by the learned counsel for the respondents that the above amount was not paid, this Court clarified on 9.3.2007 that if the amount of Rs.50,000/- is not deposited or paid within the time stipulated in the order dated 29.8.2006, the stay will not be in force and the decree-holders would be entitled to continue with the execution.

3. I have heard the submissions of Mr.George Mathew, counsel for the petitioner and Sri.V.J.John, counsel for the respondents. While Sri.V.J.John asserts that the petitioner has not made payment as ordered by this Court, Sri.George Mathew would submit that he has been informed by the petitioner that payment has been made.

4. Considering the controversy, I dispose of the Writ Petition

directing the court below to verify whether the petitioner has actually paid on or before 29.10.2006 the sum of Rs.50,000/-, as ordered by this Court, towards the decree-debt. If on verification it is seen that the petitioner has made payment, the court below will hear both sides once again on the issue as to what is the correct balance amount and pass fresh orders. In the event of the issue being reconsidered by the court below, it is open to the petitioner to urge all the grounds raised by her in this Writ Petition.

(PIUS C.KURIAKOSE, JUDGE)

tgl